

REMARKS

Reconsideration of the application is requested in view of the claim amendments above and comments which follow.

The Examiner has rejected claims 1-10 under 35 U.S.C. §102(e) as being anticipated by Zavislan U.S. Patent No. 7,227,630. Reconsideration is requested.

The '630 patent relates to a very different type of imaging technique over that as presently claimed. According to column 1 lines 43 to 46, the 630 patent "enables the use of laser scanning confocal microscopy, such as described in the documents referenced above and other rapid electro-optical imaging techniques, such as optical coherence tomography". OCT (optical coherence tomography) is a very different field from OPT (optical projection tomography). OCT does not involve imaging the specimen from different angles. It therefore cannot (and does not) involve recombining projection data from multiple views to create the tomographic image. It depends instead on a very different physical principle – interferometry of coherent light – which highlights a couple of other key differences with OPT: it cannot image fluorescence signals, and depends on user laser light (unlike OPT). Related to this, the '630 patent makes no mention of other possibly OPT-related terms such as "projection tomography" or "computed tomography". In terms of the images "displayed"/"obtained" by the technique it refers only to "spiral projections", "vertical projections" and "vertical sections" (none of which imply any kind of "projection tomography" or "computed tomography"). In contrast, claims 1 and 5 of the present application are restricted specifically to OPT.

The two drawings of the '630 patent show a tissue specimen 18 which is encapsulated in a cassette 34 rotated about its longitudinal axis 24 by means of two rollers 42, 44. The cassette 34 is also translated in a direction along the axis 24 by an axial motion mechanism 26. A confocal imaging system is associated with an objective lens 12 which is moveable along the Z axis depicted in Figure 2, i.e. along a line towards or away from the cassette 34 holding the tissue specimen. The cassette is rotated and simultaneously translated so that the light from the lens effectively undertakes a scan of the specimen, even though the light source does not itself

undertake any scanning movement (other than its in and out movement). This contrasts with the present invention where the specimen is rotated to indexed positions in each of which the stationary specimen is subjected to a complete scanning movement of the incident light.

As the light source is not scanned in the '630 patent, the examiner's rejection of claims 2 and 3 is ill-founded.

The two remaining references are published US patent applications. The '308 application claims the priority of earlier applications the earliest of which dates back to September 1998 but the application itself was not filed until 23rd April 2007. The disclosure is very similar to the '630 patent (the drawings appear identical) so the '308 application adds nothing of additional relevance over the '630 patent.

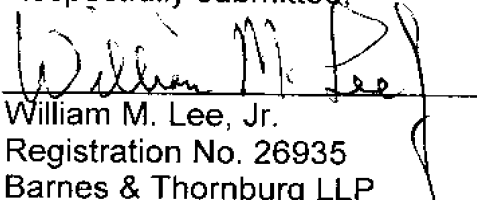
The '652 application was not filed until April 30, 2004 (well after the present filing date of August 29, 2003) despite claiming earlier priority dates going back to 1st October 1997. This application does disclose scanning of the light beam but there is no evidence that this subject matter was filed prior to April 30, 2004.

Given the above, it is submitted that the application, as claimed, distinguishes from the prior art and is allowable thereover. The Examiner's further and favorable reconsideration in that regard is urged.

As this response is being submitted during the sixth month following the Examiner's Office Action, an appropriate Petition for Extension of Time is also submitted herewith.

July 8, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William M. Lee, Jr.", is written over a horizontal line.

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